

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

INITIAL STATEMENT OF REASONS

Hearing Date: April 16, 2004

Subject Matter of Proposed Regulations: Supervision of Occupational Therapy Assistants, Limited Permit Holders, Students, and Aides.

Sections Affected: Title 16, Division 39, California Code of Regulations, Sections 4180, 4181, 4182, 4183, and 4184.

SPECIFIC PURPOSE OF THE REGULATIONS:

On January 1, 2001, Senate Bill 1046 (Murray, Chapter 697, Statutes of 2000) took effect, establishing the Board whose duties are to license occupational therapists, certify occupational therapy assistants and regulate the occupational therapy profession, with consumer protection as its number one priority. Existing law requires the Board to adopt rules necessary to assure appropriate supervision of occupational therapy assistants, limited permit holders, students, and aides. The proposed regulatory actions are necessary to implement this legislation.

FACTUAL BASIS/NECESSITY:

Section 4180: Existing law requires the Board to develop regulations regarding supervision requirements for occupational therapy assistants, limited permit holders, students and aides when providing direct client related services. Existing law also uses the terms "client related" and "non-client related" tasks, Level I and Level II students, and "periodic review." This proposed regulation is needed to define those terms.

Section 4181: This proposed regulation would specify what constitutes appropriate supervision of occupational therapy assistants; would provide that supervising occupational therapists be responsible for all occupational therapy services provided by occupational therapy assistants, limited permit holders, students, and aides; would provide that occupational therapy assistants could supervise Level I occupational therapy students, Level I and II occupational therapy assistant students, and aides providing non-client related tasks; and would require supervising occupational therapists to determine that those under their supervision possess the requisite certificates or permits to provide occupational therapy services. This proposed regulation is needed to clarify the supervision requirements, to hold the supervising occupational therapist accountable for services provided by those under their supervision, and to ensure that occupational therapy assistants, limited permit holders, students and aides do not function autonomously.

Section 4182: This proposed regulation would provide that the supervising occupational therapist determine the treatments the occupational therapy assistant could

perform based on the clinical complexity of the client, the skill level of the occupational therapy assistant, and the client's need for continual reassessment during treatment. This regulation would specify that the supervising occupational therapist be responsible for interpretation of referrals or prescriptions for occupational therapy services, interpretation and analysis for evaluation purposes, and development, interpretation, implementation and modification of the treatment and discharge plans. It would also provide that the occupational therapy assistant could participate in these processes. This proposed regulation is needed to identify when and under what conditions it would be appropriate to delegate certain client related tasks to the occupational therapy assistant, while ensuring that the occupational therapy assistant does not practice autonomously.

Section 4183: This proposed regulation would specify that the Level II occupational therapy student could, at the discretion of the supervising occupational therapist, provide occupational therapy services commensurate with his or her education and training. It would also require that all documented client-related services provided by limited permit holders and students be reviewed and cosigned by the supervising occupational therapist. This proposed regulation is needed to allow the Level II occupational therapy student to gain experience in clinical settings. It is also necessary to ensure that the supervising occupational therapist assumes full responsibility for all client-related services performed by limited permit holders and Level II students by reviewing and cosigning the medical record.

Section 4184: This proposed regulation would specify that the primary function of an aide is to perform routine tasks related to occupational therapy services; would identify the client-related tasks that could be delegated to an aide and the factors that must be considered before delegation; would specify that an aide could **not** perform occupational therapy evaluative procedures, initiation, planning, adjustment, or modification of treatment procedures, act on behalf of the supervising occupational therapist in any matter related to treatment that requires decision making, and use physical agent modalities; and would require that all documented client-related services be reviewed and cosigned by the supervising occupational therapist. This proposed regulation is needed to clarify the role of the occupational therapy aide as an unlicensed person and to ensure that the supervising occupational therapist assumes full responsibility for all client-related services by reviewing and cosigning the medical record.

UNDERLYING DATA:

American Occupational Therapy Association's Model State Regulations for Supervision of Occupational Therapy Assistants and Aides.

BUSINESS IMPACT:

These regulations will not have a significant adverse economic impact on business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

These regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.